REMARKS

Section 102 Rejection Based Hibi

In the additional material added in the final rejection, the following assertions are made at page 3, first full paragraph:

1.   It is noted that Hibi teaches that the replays are automatically concatenated since the replays are arranged into a list of sequential playback.

2.   Hibi teaches the replays are automatically captured and arranged in a time sequence as a list.

3.   Figure 16 shows a display of recorded replays arranged into a list of sequential replays for playback in a time base to enable a user to select or to automatic selection playback.

4.   Upon the user selects a playback, all of the replays will be automatically sequentially played back by the apparatus.

Each of the above-cited assertions are contrary to the reference and completely unsupported by the reference. To the contrary, they amount to nothing more than the unsupported statement that the reference teaches what is claimed.

The only cited support is column 13, lines 1-17, which, like the material previously pointed out in the previous response, shows that the cited reference does the opposite of what is claimed. Namely, in the cited material, it is stated that "one of the small screens is selected by moving the corresponding character with the movable button ... ." It is clear that one, and only one, of the small screens is selected. The assertion that the small screens are automatically selected in a sequential basis is totally unsupportable and is contrary to the cited language within the reference. Such a rejection is unsustainable.

Namely, the assertion of sequential playback is totally unsupported. As such, it has no hope of being sustained and should be reconsidered. To the contrary, the reference is explicit that the items are individually selectable and are not automatically played back in sequence. The assertion that just because a series of items are provided, that they would be sequentially played back is baseless. Instead, what happens is one can select whichever of the replays one wishes, but there is no concatenation for automatic playback suggested anywhere within the reference.

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Section 103 Rejection Based on Heo in View of Lee

Claim 45 is also rejected under Section 103 over the combination of Heo in view Lee. It is noted that Heo fails to teach means for concatenating the recorded replay. For this Lee is cited with reference to Figure 7. A discussion of Figure 7 is contained in column 7, lines 23-34. Again, as in the case with Hibi, this reference seems to teach away. It talks about highlight numbers that an editor can use to navigate the appropriate portion of the media and "view the candidate clip." Clearly, it is not talking about seeing a sequence of clips, but selecting one of the candidate clips. Nothing suggests automatic sequential replay of a plurality of replays selected by detecting a characteristic of a program.

The office action includes a non-specific reference to columns 3 and 4. Certainly, if this feature was somewhere within that material, it is believed that it could be pointed out with greater specificity. However, this material has been reviewed and no support for the rejection can be found therein.
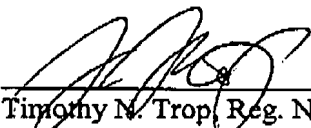
It is respectfully suggested that the asserted rationale to combine, even if Lee had taught what is claimed, is infected with hindsight reasoning. There is nothing within the references that suggests any reason to modify to do what is claimed. To the contrary, all the cited references suggest selecting one, and only one, of a list of items for playback.

Section 103 Rejection Based on Nielsen in View of Taira

The office action suggests that Nielsen teaches a second device 109 coupled to the first device to detect a characteristic of the program. However, Nielsen describes a device 109 only as a selection device that "determines if the user has set the system into a mode for recordation of highlights. If not, the video stream is passed directly to the display 111 ... ." Thus, it does not appear that there is any basis to conclude that the device 109 detects a characteristic of the program. Rather, all it does is determine a user selection. Whatever mode the user sets the system into has no bearing on what the program is and, therefore, it cannot reasonably be contended that Nielsen teaches a second device to detect a characteristic of the received broadcast television program. Thus, the asserted combination breaks down and should be reconsidered.

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Respectfully submitted,

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